

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ELIZABETH DE COSTER, *et al.*, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 2:21-cv-00693-JHC

STIPULATED MOTION AND  
ORDER REGARDING  
ADDITIONAL DISCOVERY  
COORDINATION ISSUES

DEBORAH FRAME-WILSON, *et al.*, on behalf  
of themselves and all other similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 2:20-cv-00424-JHC

CHRISTOPHER BROWN, *et al.*, on behalf of  
themselves and all other similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation,

Defendant.

No. 22-cv-00965-JHC

STIP. MOT. & ORDER

RE ADDITIONAL DISCOVERY COORDINATION ISSUES

(No. 2:21-cv-00693-JHC; No. 2:20-cv-00424-JHC; No. 22-cv-00965-JHC)

1 Pursuant to Local Civil Rules 7(d)(1) and 10(g), the Parties in the above-captioned  
2 actions, by and through their respective counsel, agree to the following stipulation relating to  
3 discovery coordination issues in these actions.

4 The Parties agreed and the Court ordered that Amazon would produce to Plaintiffs in  
5 these matters documents Amazon produced in *People of the State of California v. Amazon.com,*  
6 *Inc.*, No. CGC-22-601826 (Cal. Super. Court, San Francisco) (“*California Action*”). *See, e.g.,*  
7 *Frame-Wilson et al. v. Amazon.com, Inc.*, Stipulated Motion and Order Regarding Discovery,  
8 ECF No. 123 at ¶ 6; *Frame-Wilson et al. v. Amazon.com, Inc.*, Order Re: Discovery  
9 Coordination, Class Certification Briefing Schedule & Rule 30(b)(6) Deposition, ECF No. 172,  
10 at 5.

11 The Court also ordered Amazon to produce to Plaintiffs in these matters documents that it  
12 produces in *FTC v. Amazon.com, Inc.*, No. 2:23-cv-01495-JHC (W.D. Wash.) (“*FTC Action*”) to  
13 the extent they are relevant to any “parity” claims asserted in the above-captioned actions. *See*  
14 *Frame-Wilson et al. v. Amazon.com, Inc.*, Order Re: Discovery Coordination, Class Certification  
15 Briefing Schedule & Rule 30(b)(6) Deposition, ECF No. 172, at 5.

16 The Court ordered that “Fact discovery in the above-captioned actions shall be  
17 coordinated with fact discovery” in the *California Action* and the *FTC Action*, and that the  
18 Parties “shall use all reasonable efforts to coordinate the depositions of Amazon witnesses and  
19 nonparty witnesses across all of the coordinated cases,” “absent either (i) agreement of the  
20 Parties or (ii) a showing of good cause and order of the Court.” *Id.* at 5-6.

21 Accordingly, the Parties stipulate and agree as follows:

22 1. The parties agree that Amazon will produce to Plaintiffs in these actions any  
23 structured data Amazon previously produced or produces in the *California Action*. The Court’s  
24 prior Order that Amazon produce to Plaintiffs in these actions documents that Amazon produced  
25 in the *FTC Action* to the extent they are relevant to any “parity” claims asserted in the above-  
26 captioned actions (*Frame-Wilson*, ECF No. 172 at 5) includes structured data that Amazon  
27 produced or produces in the *FTC Action* to the extent such data are relevant to such “parity”

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1 claims. For the avoidance of doubt, Amazon need not reproduce data to Plaintiffs that has  
2 already been produced to Plaintiffs in these matters. This stipulation and order does not prevent  
3 Plaintiffs from seeking any additional or different data that is responsive to discovery requests  
4 Plaintiffs have served or will serve in any of the above-captioned actions.

5 2. Amazon will use best efforts to produce in these actions documents it produced in  
6 the *California* Action within 10 business days of their production in the *California* Action.

7 3. As the parties have been undertaking to date, Amazon will produce to Plaintiffs  
8 the search parameters, including, but not limited to, search terms, custodians, and date ranges,  
9 used by Amazon to produce documents in the *FTC* Action and the Parties will meet and confer  
10 regarding the documents that Amazon will reproduce to Plaintiffs because they are relevant to  
11 any “parity” claims asserted in the above-captioned actions. For the avoidance of doubt, Amazon  
12 will provide the search parameters used in connection with the Initial Set and Second Set of  
13 documents and any other subsequent set of documents produced by Amazon in the *FTC* Action.  
14 Once the Parties agree on the search terms likely to yield documents relevant to any “parity”  
15 claims asserted in the above-captioned actions from Amazon’s custodial productions, Amazon  
16 will produce to Plaintiffs all non-privileged documents (and families) from Amazon’s custodial  
17 productions that it produces in the *FTC* Action that hit on such search term(s) without regard to  
18 any additional relevance, responsiveness, or privilege review.

19 4. Regarding non-custodial documents Amazon produces in the *FTC* Action (i.e.,  
20 “go-get” productions), Amazon will provide to Plaintiffs an index, which it will update  
21 periodically, describing the categories of documents Amazon has produced pursuant to “go-get”  
22 collections in the *FTC* Action. The Parties will meet and confer regarding the non-custodial  
23 documents that Amazon will reproduce to Plaintiffs because they are relevant to any “parity”  
24 claims asserted in the above-captioned actions.

25 5. The Parties will meet and confer regarding the structured data productions that  
26 Amazon has made in the *FTC* Action that Amazon will reproduce to Plaintiffs because they are  
27 relevant to any “parity” claims asserted in the above-captioned actions.

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1           6.       Notwithstanding any other provision in this Stipulated Motion, to the extent  
2 Amazon reproduces to the California Attorney General any documents (including data) Amazon  
3 produced in the *FTC* Action, Amazon shall also reproduce such documents to Plaintiffs in the  
4 above-captioned actions.

5           7.       With respect to additional document productions Amazon makes to the FTC,  
6 Amazon will use best efforts to produce such documents in these actions within 10 business days  
7 of their production in the *FTC* Action. Further, Amazon will use best efforts to substantially  
8 complete its production to Plaintiffs of documents originally produced in the *FTC* Action no later  
9 than 10 business days after Amazon's deadline to substantially complete its productions in the  
10 *FTC* Action. Amazon will notify Plaintiffs when its productions are substantially complete.

11           8.       Amazon will make best efforts to provide to Plaintiffs a privilege log for all  
12 documents relevant to any "parity" claims asserted in these actions but withheld from production  
13 in the *FTC* Action and included on Amazon's privilege log(s) in the *FTC* Action within 10  
14 business days of Amazon's transmittal of its privilege log(s) to the FTC. Amazon agrees to meet  
15 and confer with Plaintiffs should they have questions concerning privilege log entries.

16           9.       When Amazon produces to Plaintiffs documents it originally produced in the *FTC*  
17 Action, it will provide to Plaintiffs correspondence that Amazon sent to the FTC that  
18 accompanies the productions to the FTC (i.e., production cover letters). Amazon reserves the  
19 right to redact or withhold any substantive information in those correspondence that is not  
20 relevant to the claims in the above-captioned actions and will meet and confer with Plaintiffs  
21 about any such redactions to the extent reasonably necessary to resolve Plaintiffs' objections.

22           10.      Upon Plaintiffs' request, Amazon will provide to Plaintiffs unredacted versions of  
23 any redacted or sealed court filings and orders entered in the *California* Action or in the *FTC*  
24 Action that relate to Plaintiffs' parity-related claims, and/or entered in any other action that has  
25 been defined as a "Coordinated Action" in the *California* Action or *FTC* Action (an "Other  
26 Coordinated Action") to the extent such filings and orders are relevant to these actions (e.g., to  
27 the extent Plaintiffs have access to the underlying materials supporting such filings and orders).

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1 If such redacted or sealed filings or orders contain information designated Confidential or Highly  
2 Confidential – Attorneys’ Eyes Only by a nonparty, Amazon will redact any such nonparty-  
3 designated information that is not in Plaintiffs’ possession before providing Plaintiffs with a less  
4 redacted version. Plaintiffs may, at the request of the California Attorney General or FTC (or any  
5 other plaintiff in an Other Coordinated Action), provide to the California Attorney General or  
6 FTC (or Other Coordinated Action plaintiff) unredacted versions of any redacted or sealed Court  
7 filings in these actions. If such redacted or sealed filings or orders contain information  
8 designated Confidential or Highly Confidential – Attorneys’ Eyes Only by a nonparty, Plaintiffs  
9 will redact any such nonparty-designated information that is not in the possession of the  
10 California Attorney General or FTC (or Other Coordinated Action plaintiff) before providing  
11 them with a less redacted version. Amazon agrees to meet and confer with Plaintiffs to resolve  
12 any disagreements on which filings and/or court orders are relevant to these actions.

13 11. Plaintiffs’ disclosure of Confidential or Highly Confidential Material that is in the  
14 possession or knowledge of the California Attorney General or FTC (or Other Coordinated  
15 Action plaintiff) to the California Attorney General or FTC (or Other Coordinated Action  
16 plaintiff) under Sections 5.2(g) or 5.3(d) of the Amended Protective Orders entered in these  
17 actions (*i.e.*, to an “other person who otherwise possessed or knew the information”) does not  
18 violate the “use” provision contained in Section 5.1 of the Amended Protective Orders entered in  
19 these actions. Amazon, however, does not consent to Plaintiffs receiving Amazon documents or  
20 data from the FTC designated Confidential or Highly Confidential – Attorneys’ Eyes Only that  
21 Amazon has not otherwise produced to Plaintiffs absent compliance with the enumerated  
22 conditions in the Court’s November 12, 2024 Deposition Coordination Protocol and Order  
23 entered in the *FTC* Action.

24 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.  
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26  
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DATED: February 18, 2025.

Respectfully submitted,

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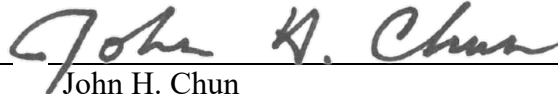
*Attorneys for Defendant Amazon.com, Inc.*



1 IT IS SO ORDERED.

2  
3 February 18, 2025

4 Dated



John H. Chun

United States District Judge

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